IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.3330 OF 2004

M/s.Rajlaxmi Developers. ...Petitioner.

Vs.

Slum Rehabilitation Authority &Ors...Respondents.

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Mr.A.Y.Sakhare, Sr.Advocate with Mr.C.N.Gole for the Petitioner.

Mr.S.G.Surana for Respondent No.1.

Mr.J.B.Chinai, Sr.Advocate with Mr.Rajeev Wagh and Ms.Smita Ranpise i/b.S.K.Srivastava & Co. for Respondent No.4

Mr.Jignesh Gala, partner of Petitioner present.

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CORAM : DR.D.Y.CHANDRACHUD, J.

March 16, 2005.

P.C. :

When this Petition came up for hearing on 3rd February 2005, Mr.A.Y.Sakhare, Learned Senior Counsel appearing on behalf of the Petitioner and Mr.J.B.Chinai, Learned Senior Counsel appearing on

behalf of the Fourth Respondent stated that this was eminently a matter which should be settled and that Counsel would sit down together with their respective clients with a view to put an end to their disputes amicably. The matter was thereafter adjourned on 14th February 2005, 23rd February 2005, 2nd March 2005, 7th March 2005 and 10th March 2005 since the Court was informed that several meetings had taken place and parties were close to a settlement. In the course of the hearing before the Court today, Counsel have discussed the matter and have ironed out issues which remained to be sorted out in order that the matter may be finally resolved. Both Counsel are instructed by the authorised representatives of the Petitioner and of the Fourth Respondent and have desired the Court to record the presence of the respective parties on whose instructions the matter has been settled.

Consent Terms have been signed on behalf of the Petitioner by a partner who is authorised to do so and on behalf of the Fourth Respondent, so also by their respective Advocates. Consent Terms taken on record and marked "X".

In view of the Consent Terms that have been arrived at between the parties, the impugned order

of the Maharashtra Slum Areas (I.C.& R) Tribunal, Mumbai in Appeal No.16 of 2004 dated 6th August 2004 is quashed and set aside. However, on the request of Counsel appearing on behalf of the Fourth Respondent, it is clarified that should there be any breach on the part of the Petitioner in complying with the obligations under the Consent Terms, it would be open to the Fourth Respondent to apply for further reliefs either by seeking a revival of in the present petition or by adopting such further proceedings as the Fourth Respondent may be advised to adopt in accordance with law in order to ensure that her interest is duly protected in relation to any developer whom the Slum Rehabilitation Authority may appoint instead and in place of the Petitioner.

The Petition is disposed of in terms of the Consent Terms.

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